



# PENDLETON

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Town of Pendleton Board of Zoning Appeals  
Regular Meeting and Public Hearing  
May 13, 2010  
6:00 pm Town Hall

## MINUTES

**Members Present:** Paula Buckles, Jennifer Crenshaw, Tonnie Jackson, Ted Mauro, Rob Silance

**Members Absent:** None

**Staff Present:** Kristopher Kurjiaka

### 1. Opening Comments, Establishment of a Quorum

Chairperson Ted Mauro called the meeting to order at 6:03 pm. With 5 of 5 members present, **a quorum was established.**

To begin the meeting, Mr. Mauro asked the Board and public present at the meeting to take a moment of silence in recognition of the tragedy that occurred in Haiti.

Mr. Mauro welcomed new Board of Zoning Appeals member Paula Buckles to the Board.

### 2. Approval of Minutes

#### a) December 10, 2009 Regular Meeting

Mr. Mauro asked if anyone had any comments regarding the minutes from December 10th. No comments were made.

Mr. Mauro called for a motion to approve the December 10, 2009 Regular Meeting minutes. Ms. Crenshaw made a **motion to approve the minutes for the December 10, 2009 Regular Meeting**, and Mr. Silance **seconded the motion**. The motion passed unanimously with a vote of 5-0.

#### b) January 13, 2010 Regular Meeting and Public Hearing



Mr. Mauro asked if anyone had any comments regarding the minutes from January 13th. No comments were made.

Mr. Mauro called for a motion to approve the January 13, 2010 Regular Meeting and Public Hearing minutes. Ms. Crenshaw made a **motion to approve the minutes for the January 13, 2010 Regular Meeting and Public Hearing**, and Mr. Silance **seconded the motion**. The motion passed unanimously with a vote of 5-0.

### 3. New Business

- a) **Variance request for 906 South Mechanic Street (TMS# 040-13-02-003) – Variance from Section 902.6.3 to allow sign taller than 6 feet and wider than 8 feet – Item for Public Hearing and Vote**

Mr. Mauro asked Mr. Kurjiaka if he could introduce the request for a variance and provide the staff recommendation.

Mr. Kurjiaka stated the following information:

The request by the applicant, Joseph Welborn with Welborn's Pendleton Tire Company, is for a variance of Section 902.6.3 of the Zoning Ordinance, to allow a sign taller than 6 feet and wider than 8 feet at 906 South Mechanic Street, Tax Map Number 040-13-02-003.

The property location is 906 South Mechanic Street.

The existing zoning is AB, Areawide Business District.

The property owner is Joseph Welborn with the Pendleton Tire Company.

#### **Proposal:**

Joseph Welborn with Welborn's Pendleton Tire Company, Inc. has submitted a Sign Permit Application Form requesting to replace the cabinet for the sign that currently stands in front of his business. The variance is to allow a sign with a maximum height greater than the six (6) foot maximum allowed and a width greater than the eight (8) foot maximum width allowed in Section 902.6.3 of the Town of Pendleton Zoning Ordinance. The existing sign is fifteen (15) feet tall and has a cabinet that measures 3' x 12' attached at the peak of the pole. The sign for which the applicant is requesting a permit would have a cabinet of 4' x 12' to be placed atop the existing pole. Replacement of the existing sign



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would help the business owner maintain visibility of his business from Highway 76 and allow better identification of the business.

It is necessary to meet six criteria to obtain a sign variance:

- (1) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
- (2) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
- (3) The hardship has not been created by any person having an interest in the property.
- (4) Financial returns only shall not be considered as a basis for granting the variance.
- (5) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.
- (6) The variance does not confer a special privilege to the applicant that is denied to others.

Mr. Mauro asked if the applicant would like to speak regarding his request.

Joseph Welborn, Property and Business Owner, Pendleton Tire Company, 906 South Mechanic Street – Mr. Welborn stated that he bought the Pendleton Tire Company a few years back from Grady Seawright. When the business was purchased, the current sign Michelin sign measuring 3 feet tall by 12 feet wide was already there. Mr. Welborn stated that he had purchased the company for its great reputation. He stated that the current sign is 3 feet tall by 12 feet wide. The replacement sign would be a Cooper Tire dual faced sign that is 4 feet tall by 12 feet wide. He stated that people do not know what the business is and that having a sign with the “Pendleton Tire Company” name on it will help. The Cooper Tire sign was obtained through Cooper Tire through a sales program and was the closest available sign in size to the existing sign. Mr. Welborn stated that over the past two years business has increased about 20 percent. He stated that he is looking to increase the aesthetics of the property to the Town and its citizens.



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Mr. Mauro stated that he wanted it to be clear any decision made is not reflective of the Town's and Board's feelings towards the business.

Mr. Silance asked the applicant to summarize his request.

Mr. Welborn stated that he is requesting to take the current Michelin sign from the pole and place it on the side of the building. The new Cooper Tire sign would be placed on the top of the pole.

Mr. Silance stated that he rode down Highway 76 to see if the sign was visible from the highway. He stated that it wasn't until he got off 76 before he could see the sign.

Mr. Welborn stated that the sign was visible from Highway 76.

Ms. Jackson asked that if Pendleton Tire Company's business increased 20% in the last two years, how much the new sign would affect increase in business in the future.

Mr. Welborn stated that the new sign would help better identify the business.

Mr. Silance asked if the sign was provided by a Cooper Tire representative, was there only a specific list of sign size available.

Mr. Welborn stated that he qualified for a larger sign, but asked for the sign that most closely matched in size what he already had.

Ms. Crenshaw asked if the pole height is being considered in the height of the sign.

Mr. Kurjiaka stated that the pole is counted as part of the height of the sign.

Mr. Silance asked whether the height difference between the Pendleton Tire Company sign and the Palmetto Bank sign results in any difference in visibility.

Mr. Welborn stated that the Palmetto Bank sign is 8 feet tall by 11 feet wide. The Dialysis Clinic sign is about 4 feet tall by 12 feet wide. If a car were to park beside that sign, the sign would not be visible. Mr. Welborn stated that he is concerned that a ground mounted sign would constantly be hidden. He often has garbage trucks, buses, and campers that he changes tires for and stated that these would obscure a ground mounted sign.

Mr. Silance asked for the height of the pole.



Mr. Welborn stated that it is about 12 feet tall.

Mr. Silance asked if the light's connection to the pole was just mechanical. He asked what the difficulty would be to shortening the pole.

Mr. Welborn stated that with the right equipment, it would be possible to shorten the pole. He stated that the sign company said the new sign would be a straight fit. Cutting the pole might be more expensive than replacing it.

Mr. Mauro asked if there was anything wrong with the current sign.

Mr. Welborn stated that the only thing wrong with the sign is that one of the bulbs had gone out, but that just required replacing a light bulb.

Mr. Silance asked if Mr. Welborn already had the sign in his possession and if it was unpacked.

Mr. Welborn stated that the sign is already on the premises.

Mr. Mauro stated that he understood what was being asked for and Mr. Welborn's angle, but asked what makes this case unique from other properties.

Mr. Welborn stated that the difference is that his property already has a sign on it. He stated that he is only asking for a 1 foot difference from what is currently there.

Mr. Mauro stated that he hoped the applicant understood that the decision would not be a personal decision. The Board must act on the regulations and not judge emotionally.

Mr. Welborn stated that the Palmetto Bank put up their new sign after the regulations were adopted.

Mr. Mauro stated that he had many of the same things to say at that meeting.

Mr. Silance asked if the variance request was two separate variances issues.

Ms. Crenshaw stated that she would be willing to vote on them separately.

Mr. Mauro stated that the vote should be based on the six criteria that a variance application is required to fill to be awarded a variance. He asked if any of the Board of Zoning Appeals members had further questions for the applicant.



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Mr. Mauro opened the public hearing to comment from the public. No one from the public requested to speak.

Mr. Mauro asked if there were any further questions.

Mr. Silance stated that he was unsure about the height issue.

Ms. Jackson stated that the applicant had the right to leave the sign as it is.

Mr. Silance stated that this variance is especially important considering the focus over the past few years on the town gateways and main corridors.

Mr. Mauro stated that he is concerned about approving this variance and then having another property wanting to do the same thing.

Ms. Jackson stated that she was not sure of the need for a new sign if business for the Pendleton Tire Company has been increasing and growing over the last two years.

Mr. Mauro stated that he wanted to make sure that any decision made would not constitute a special privilege being given.

Mr. Welborn stated that he hoped that question sheet is not the sole basis for the decision that is being made. He stated that he has a bachelor's degree in business management and had some difficulties in figuring out how to answer the questions. He stated that he should not be penalized for the hard work that it has taken to increase his business.

Mr. Mauro stated that in looking through the criteria that the reasoning couldn't be solely a financial issue. With the sign having been free, he didn't think that there was any real financial issue involved. He also stated that the current sign is grandfathered and that there wasn't anything guaranteeing that the pole itself would be grandfathered. He asked if there was anything that makes this case unique.

Mr. Welborn stated that one of the unique things about this case is that the sign is already there. He stated that the Palmetto Bank already exceeds the square footage in the regulations and that, although not in town, the Dollar General down the road also does. He has had both customers and employees of the Town ask why his sign isn't up and that those people's response to the change was "sounds okay to me". Mr. Welborn stated that if there had been opposition to his request he would expect that they would be present at the meeting.



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Mr. Silance stated that if the sign were lower, he might find the request more palatable, but does not see the width and height to be separate requests.

Ms. Buckles asked if the request would replace both signs on the pole.

Zach Garrison, Manage, Pendleton Tire Company – Mr. Garrison stated that the “Wheel Alignment” sign would stay the same.

Mr. Mauro stated that the Zoning Ordinance is very narrow in what it allows for size, height, and widths of signage because it does not want the BZA to make the determination of what size signs are appropriate.

Mr. Welborn stated that he would like the Board to look at this as the simple situation it is—replacing one the current sign with something very close to the same size.

Ms. Crenshaw stated that the situation is not that simple because of the new regulations.

Ms. Jackson stated that, just like the Subway sign, the grandfathering of the current sign allows it to be there for the life of the business or until a change is required.

Mr. Mauro stated that he has been a customer of Pendleton Tire Company not because of their sign, but because of their reputation as a business.

Helen Patterson, Resident, 330 North Mechanic Street – Ms. Patterson asked if there was any way for the sign to be reduced in size.

Mr. Garrison stated that the Pendleton Tire Company received a listing of sign sizes and that the sign they got was as close to the current sign as possible.

Mr. Silance stated that the caveat of this request is the new regulations. Although the request seems like something only marginally different, with the new regulations the change is markedly different. The simple change requested appears to be contrary to the new regulations.

Mr. Mauro asked if Cooper Tires had been contacted by the applicant regarding the difficulties with the size of the sign.

Mr. Welborn stated that he has not contacted Cooper Tire.

Mr. Mauro stated that he would be willing to write a letter regarding these issues. He stated that many corporations are sympathetic to issues their clients are



facing. He asked Mr. Welborn if he would consider changing the height of the pole.

Mr. Welborn stated that he would consider changing it to a degree.

Mr. Mauro stated that there would always be the option of keeping the old sign up.

Mr. Silance stated that he thought the ordinance may have differentiated between the separate parts of the pole, but after looking at the definitions for “sign” and “pole supported sign” doesn’t differ between the supports and faces.

Mr. Mauro stated that a variance has to constitute an exceptional hardship. He asked the Board to consider whether this request constitutes an exceptional hardship.

Mr. Silance asked if putting the new facing in the old sign box might solve this problem.

Ms. Crenshaw stated that any alteration of the sign would require the whole sign to come into compliance.

Ms. Jackson stated that identification of the business should not be an issue as the business name appears across the front of the building. She stated that visibility with the new sign from Highway 76 would still be limited. She expressed her reluctance to allow variance that could open the door to other properties requesting signs of the same height and size. She stated that the business owner has a right to the sign that is there and that if he may not want to lose that right in order to put up a new sign.

Mr. Mauro asked if there were any other questions or comments.

With no further questions or comments, Mr. Mauro asked if anyone would like to make a motion to vote on the variance request for a sign taller than the 6 foot height maximum and 8 foot maximum width allowed in the AB, Areawide Business District. Ms. Crenshaw made a **motion to vote on the variance** request to allow a sign 12 feet wide and 16 feet tall at 906 South Mechanic Street, the Pendleton Tire Company (TMS# 040-13-02-003).. Ms. Jackson **seconded the motion**. The motion was unanimously denied by a vote of 0-5 citing that the request did not satisfy all criteria required to grant a sign variance.

Mr. Mauro stated to the applicant it was not an easy decision and that it was not due to personal feelings about the business.



**b) Variance request for Veterans Park (TMS# 041-00-03-001) – Variance from Section 902.6.1 to allow more than one permanent sign and more than 48 square feet of signage per road frontage and allow a sign taller than 6 feet – Item for Public Hearing and Vote**

Mr. Mauro asked Mr. Kurjiaka to explain the Town’s submittal of their variance request for a sign at Veteran’s Park.

Mr. Kurjiaka stated that the Town is withdrawing their application for a variance in order to consider ways to achieve their goal of the signs without them requiring a variance. The Town would be looking at different options that would comply with the Zoning Ordinance.

**4. Old Business**

Mr. Mauro stated that on Tuesday, May 18<sup>th</sup> there would be a training session for the Board members that will be held in Town Hall at 6:00pm.

Mr. Mauro asked if there was any new business or comments that needed to be made at this time.

**5. Adjourn**

With no more business left, Mr. Mauro called for a motion to adjourn. Ms. Crenshaw made the **motion to adjourn** and Ms. Jackson **seconded the motion**. The motion passed with a unanimous vote of 5-0. The meeting adjourned at 7:25 pm.